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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,309	01/11/2002	Morihito Nomura	033228-019	4265

7590

10/29/2003

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EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,309

Applicant(s)

NOMURA ET AL.

Examiner

Dinesh N Melwani

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-16, and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement is made of applicant's submission of:

Amendment filed on 8/7/03

The aforementioned item has been noted and inserted into the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 12-16, and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kritzler *et al.* (U.S. Patent No. 5,685,581). Kritzler discloses a vehicle door handle device as claimed; wherein said device comprises a frame (1) equipped on a door panel (3) of a vehicle door; a handgrip (2) having a first end portion (6) rotatably mounted on the frame and a second end portion (14) forming an operation portion linked with a door lock (15) mechanism, the handgrip being rotatable within a predetermined angle to operate the door lock mechanism and effect opening of the vehicle door when the operation portion of the handgrip is moved to rotate the handgrip relative to the frame, see Figs. 2-3; a projection (5) formed on one of the frame and the first end portion of the handgrip; and a groove (7) formed on the other of the frame and the first end portion of the handgrip (see Fig. 6), the projection being positioned in the groove when the handgrip is not related relative to the frame and moving within the groove when the operation

portion of the handgrip is moved to rotate the handgrip relative to the frame, the projection being engageable with a periphery of the groove to inhibit dislocation of the handgrip from the frame, see col. 3, lines 20-40. In regards to claims 2, 13, and 20, Kritzler's device comprises a frame that includes a first base member and a separate second base member, the first and second base members being spaced apart from one another, see Fig. 1. Regarding claims 3 and 4, Kritzler's projection is provided on the first base member and the groove is provided on the first end portion of the handgrip. As it concerns claim 5, Kritzler's groove includes an inclined surface portion and a fitting portion, the projection being positioned in the fitting portion, and the fitting portion having oppositely located peripheral portions defining limits of the predetermined angle of rotation of the handgrip. Regarding claims 6, 14 and 16, Kritzler's frame includes an integrally formed shaft portion (5) on the first base member and the first end portion of the handgrip includes an open-ended slot (7) receiving the shaft portion, the handgrip rotating about the shaft portion when the operation portion of the handgrip is moved away from the frame to rotate the handgrip relative to the frame. As it concerns claim 19, Kritzler comprises a frame (1) equipped on a door panel of a vehicle door; a handgrip (2) mounted on the frame through insertion of the handgrip into the frame, the handgrip having a first end portion (6) rotatable relative to the frame about a rotation center portion (A) and a second end portion (14) forming an operation linked with a door lock mechanism (15), the handgrip being positioned in an initial non-operated position (Fig. 1) in which the second end portion is not moved away from the frame and being rotatable relative to the frame within a predetermined angle about the rotation center portion when the second end portion is moved away from the frame to operate the door lock mechanism and effect opening of the vehicle door; a projection (5) and an arc-shaped

groove (7) provided between the frame and the handgrip, the projection being positioned in the groove both in the initial non-operated position of the handgrip and during rotation of the handgrip relative to the frame as the second end portion of the handgrip is moved away from the frame. In regards to claim 26, Kritzler's handgrip is rotatable about a rotation center (A).

Response to Arguments

3. Applicant's arguments filed 8/7/03 have been fully considered but they are not persuasive.
4. The Applicant contends that the Examiner has not clearly pointed out the features of the Kritzler reference that are interpreted as corresponding to the claimed projection and groove that interact in the claimed manner. The Examiner respectfully disagrees. In the previous Office Action, the Examiner directed the Applicant's attention to Fig. 6 which shows a projection (5) and groove (7) that interact in the claimed manner. For the Applicant's benefit, the rejection in paragraph 2 has been amended to include reference numerals, corresponding to the Kritzler's written disclosure, to clearly point out the analogous features.
5. The Applicant contends that Kritzler's Fig. 1 does not illustrate the frame comprising first and second base members that are separate and spaced apart from one another to form the frame. The Examiner respectfully disagrees. Kritzler's Fig. 1 shows frame (1) having a first end, i.e., first base member (generally near (6)) and a second end, i.e., second base member (generally near (3)).

6. The Applicant contends that the Kritzler reference fails to disclose that the groove is arch-shaped and possesses a center of curvature that is concentric with the rotation center portion/rotation center. The Examiner respectfully disagrees. Kritzler's groove (7) is clearly arc-shaped and possesses a center of curvature (about A) that is concentric with the rotation center portion/rotation center.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600